

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

William Averta Rorie,)	C/A No.: 1:12-cv-02303-TLW-SVH
)	
Petitioner,)	
)	
vs.)	
)	ORDER
Mildred L. Rivera, <i>Warden</i> ,)	
)	
Respondent.)	

Petitioner, William Averta Rorie (“petitioner”), is a prisoner who filed this action on August 14, 2012 seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. (Doc. #1). This matter is now before the Court due to Petitioner’s failure to comply with the Court’s Order entered by United States Magistrate Judge Shiva V. Hodges on August 23, 2012. (Doc. #5).

The Magistrate Judge’s Order directed petitioner to bring the above-captioned case into proper form, which requires petitioner to: “[p]ay the five dollar (\$5) filing fee for a habeas corpus action, or complete and return the Form AO 240 (Motion for Leave to Proceed *in forma pauperis*) attached to [the] Order.” (Doc. #5).

Petitioner has not responded to the Court’s Order and has not otherwise appeared in this case since it was filed. The Magistrate Judge’s Order (Doc. #5) specifically noted that the petitioner’s case would be subject to dismissal if the petitioner failed to comply with the Order. The deadline for petitioner to respond to the Order lapsed on September 17, 2012. Petitioner has not responded to the Court Order. Therefore, the Court concludes that the petitioner does not intend to pursue the above-captioned case. See Fed. R. Civ. P. 41(b); Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982).

Petitioner has failed to respond to an Order of the Court and has failed to prosecute the above-captioned case. Accordingly, it is hereby **ORDERED** that the above-captioned case is **DISMISSED** without prejudice for failure to prosecute, pursuant to Rule 41 of the Federal Rules of Civil Procedure. See Link v. Wabash R.R. Co., 370 U.S. 626 (1962).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

January 17 , 2013
Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.